

AUG 15 2023

Schulte v. MDC Warden MAAT, 23-CV-5241

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MOTION FOR EXPEDITION AND SUMMARY JUDGMENT

The Court should expedite this civil action since Plaintiff is pretrial detainee, never sentenced, and still awaiting trial after six years. He is currently tortured in a concentration camp, but the challenged commissary conditions ^{are} arbitrary and violate federal regulations; expedition is necessary in the interests of justice for relief to be meaningful.

The Court should grant summary judgment and order the MDC to offer the Plaintiff and all SAMs inmates the exact same commissary offered to general population. Warden MAAT's decision to arbitrarily increase commissary restrictions on SAMs inmates beginning in 2023 was clearly not based on any legitimate governmental objective, but was done ~~for~~ strictly to punish. Warden MAAT himself told Mr. Schulte that "the SAMs inmates here on K-B4 are not being punished enough so ~~therefore~~ we are imposing commissary restrictions." The MDC's goal was punitive and therefore unconstitutional.

Moreover, Warden MAAT's decision violated federal regulations. 28 C.F.R. § 541.31(b) dictates that only disciplinary segregation inmates may have their commissary limited — not administrative segregation. SAMs are administrative segregation. Ergo, the MDC must provide equal commissary to SAMs inmates — not the disciplinary segregation commissary it began on January 2023.

Finally, the arbitrary commissary limits have nothing to do with Mr. Schulte's SAMs for national security. Banning oatmeal and snickers has nothing to do with national security.

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Accordingly, this Court should grant summary judgment and order the MDC to comply with the Due Process Clause of the Fifth Amendment and existing Federal Regulations to provide SAMs inmates access to the full general population commissary without limits.

Respectfully Submitted,

7/3/23

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